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The Discovery of MALIGNANTS.

By the knowne Lawes, and will of the KING, absurdly urged against the PARLIAMENT, by the People, Lawyers, Judges, Jury, Divines, and King, forced from the Truth by willfull errore.



Aint *Austin* defines a people by their association, and *Aristotle* by their Constitution, and *Fortescue* out of both by their intention, Election, and subjection. A people (saith the Father) is a company of men associated by the consent of Law, and communion of profit, and the Philosopher to give them an head addes, when one is constituted of many amongst themselves, one shall be the Ruler, and the rest the ruled. By one, he meanes not a person but a power, not a King but a Commander; for one is not *unus homo*, but *unum Consilium*, not one man, but one Senate or Eldership, which is the most ancient and best approved Government both in Church and State, Numb. 11. 16. Rev. 4. 4. for it is Reason and prudence that Rules best, and both are found in the Elders of the people, which is the Reason the Almighty placeth the Councell, Deut. 17. 8. before the King, V. 14. and referres all persons to the judgement of the Elders, and leaves it no where to the King, and the Lawyer I mentioned binds the King to the Law, which he compares to the ligaments of the body, that the head may not change; and he compares the people to the heart, that live first and die last in any Kingdome, and all confess that the safety of the people is the supreme Law. Their intention lives first, and provides the meanes to make happy the head in direction, and the hand in execution, and I conceive that to be the Reason why Barons and Bishops refusing to come to Parliament, the King with his Commons may take care of the Kingdomes safety: but without the Commons consent, nothing may be done by either, for if the intention of the people live first, extinguish that and life ceaseth; and now to discover Malignants without the touch of any mans person, I shall by demonstration teach it in two things. First, the knowne Lawes urged by ignorance against them, that onely know them by the confession of all. Secondly, the will of the King urged with as great error as the former, and followed by them that would by it escape the payment and punishment of Parliament.

The Ignorance and Clamor of the People.

The People that know not the law are accursed, Joh. 7. 49. So said the Rulers of envy, and Nicodemus one of them held a better opinion of him whom the people magnified.

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ed to speake above all men. No law without hearing, and kowledge of the Fact, condemnes any man. The Rulers retort the Argument by reproach, and depart with disdaine every man to his owne house. Such is our sudden reproach not of the people for a good opinion of the Parliament, but of most Malignant parties that bid us search and see if any good come from such a Councell. *Galilee* was never a greater reproach to our Saviour, and *Nicodemus*, then this Parliament is to such as suffer for it, and we have a law to condemne it, for we have heard so much to be done by it, that all our knowne Lawes are against it.

The fairest glosse *Malignants* have for their illegal actions, is to argue against the Parliament, and the Engine is, that their proceedings are against the knowne Laws, which so amuse the people in reading their pamphlets and Reasons that they resolve they better knew the Lawes then the Parliament it selfe, and such misery they suffer from it, that they must resume their owne power, and be their own Judges. When the King by ill Councell oppprest them. O then a Parliament to relieve them, and now they would be relieved against it by the knowne Laws. The truth is the knowledge of the Lawes is removed from common capacities, and they are as principles of Arts and Sciences, of the which we say they are virtually contained in them, and deducible from them, *nemo nascitur artifex*, no man is borne an Artist to argue the truth from the first ground, and we say, *tota scientia virtute continetur in principijs*, that all knowledge is contained in the principles, and by great industry and study is fetched out of them, and certainly severall concusions by discourse & Argumentation is brought to light from them. If our Laws be so well known to the people, why do Lawyers take so great paines to inform them? Students we call them vainly, if their Clients be so learned, and the Lawyer takes money to advise for no advantage but his owne. What needs the Client to descend to Aguments, being armed sufficiently by his owne skill? How comes the case to fall out otherwise upon demurer or speciall Verdict then he was informed? Judgment is reversed by a *Writ of error*, and from Court to Court, is brought at the last to the highest, and there settled for the soundest and surest resolution. They doe but disabuse the people that tell them of knowne Lawes against the Parliament, and it is most abominable Hypocrisie to Angle their hearis to no other ends but to catch them in snare, to devoure them, and Tyrannize over them, by blind obedience as the Pope does.

For the second conveyance of the *will of the King*, the people tremble to thinke of it, and his personall commands come at the last to be their knowne Laws. Divines doe but dally with Conscience, that we must obey the will of the King, which is condemned, *Hos. 5. 11.* and no where commanded, and if we take obedience for subjection, it is not to the will, but the power of the Magistrate, and seeing all the care is taken for Kings, see what all the learned in the law say, *potestas sua juris est non injuria*, the Kings power is justice, no injurie. *Lex frenum est potentiae*, the Lawes are the bounds of the Kings power and command. *Nihil potest, nisi id scilicet quod de jure potest*, he can doe nothing but that onely which is just. *Vicarius Dei dum facit iustitiam, minister Diaboli dum declinet ad injuriam*, he is Gods Vicar in doing of Justice, and the Devils agent declining to injury. The King is invested with a judicall power, not in his person but his Courts. His person is presumed by the Law to be ignorant of judicature, and the Acts of Ministry are below the Majestie of a King, and the Subject may suffer prejudice in many acts of justice, if such an *Indecorum* be admitted. It's too meane for a Prince to be an *Informer, Accuser, to arrest and compound them*, and

and such actions are judged void in law, and the Reason is evident, because the Subject, upon such actions, if unjust, can have no remedie against the Kings person, and so wrong shall be done, & no law to right the oppressed, or punish the wrong doer. They wrong the people against the Parliament, that by Prerogative above law call Conscience to obey, which is *Scientia cum Deo*, and not against him to please men.

I have touched two sinnes in the People discontented by deceivers. First, *Ignorance* in judging of the Laws when they wring them. They are penny wise, pound foolish, and follow a common opinion in compassion of themselves. The Parliament exacts payments in forme of Law, and necessity compells them unto it, and Malignants say it is against law, as if they understood more then lawyers doe, which all of them pitch upon this Maxime, *illud quod alias licitum non est, necessitas facit licitum, et necessitas inducit privilegium, quod jure privatur*. It's most certain the Parliament in being, judgeth of all accidents; and hath power to make lawfull that which without their judgement is unlawfull, and if necessity did not urge them, they would of it make no law, and the priviledge they have is warrantable upon the ground granted the King for the good of the Kingdome. Impositions and Ship money have been complained of as illegall, and by them that can condernie them, and therefore greater Judges then they that approved them, and yet their judgment had bin justifiable, if necessity had induced the priviledge, as now it does, and that in the judgement of them that cannot be contradicted, and yet does not every Malignant manifest his malice to say there is no necessity because they cannot see it, and would have every man as blind as themselves. How irrational is it that the King should declare the law against his great Counsell, when assuming it in his grants, Commissions, Proclamations under his great Seale, he is commonly judged in all Courts to be abused, and the same made voyd, when the law is against them, and so judged to be by them that are sworne to doe Justice to such as suffer injurie by such unjust proceedings. His Majestic may easily protest what he will doe, and erre in the doing of it, by misinformation, and what credit can be given to any thing done or laid when the subjects are barbarously used for executing onely legall commands, and refusing illegall; by the Kings Army, his Counsellors and Abettors, and his supreme Counsell neglected and opposed, as able to doe nothing to save the people from desolation and destruction. If Subjects were not besotted with senceles men, they would suffer never themselves to be so circumvented by the will of the King, and known Lawes against the Parliament, as if the will of the King were above Law, or Law to be judged by it, and not by them that have alwais to the King, and all sworne Judges declared laws. The will of the King may bee necessary to make a Law, it was never held so to declare it in any Court of Justice, and if Lawes may neither be, nor be expounded, but as the King pleaseth, we are in a miserable case in the proceedings of Parliaments, and if that be true that is written and Printed in the conclusion of one Parliament, that it shall interpret the Lawes no otherwise, then the King and his sworne Judges will have it, Ship money and all Impositions shall stand good, that he and they judge to be law, and knowne laws shall be as the multitude murmur now for their money, and clamour out of the Parliament, shall they exact our estates against knowne Lawes, and the will of the King. When the King calls for it for his owne pleasure they cry out of oppression, and when the Parliament would have it for their owne good, they are still oppressed, and would shift off all payments, caring for no common good, but that they may live at their owne ease without charges.

The Science and Conscience of Lawyers.

Woe unto you Lawyers, for you have taken away the Key of knowledge, Luk. 11.32. No marvell wee have so many Malignants of the multitude, when the Men of better parts mislead them, and keepe from them the key of knowledge. Ignoramus was once a pleasant comedy to play with the lawyers, but now Divines deserve the name, who ignorantly resolve Conscience without the Law. Dr. Ferne fell into his error by meddling with a matter he understood not, for no Divine can rightly state the question between the King and Parliament, Parliament and People, but he that knows the Lawes of the Land: and I wonder the Divine should deale with Supremacy, not knowing where it is; for it is properly where all Causes may bee handled, and that is onely in Parliament, for it is not in the Kings power to handle any Causes out of the Courts of Justice, and of all Causes no one Court is capable, but the high Court of Parliament, and as the Person of the King is over all persons, so his power is onely in all Causes where their cognizance is, and if he will judge them out of Parliament, he passeth his limits, and the rule is, *extra territorium jus dicenti, non patetur, impune*, he that obeys the command of any power out of it's jurisdiction shall be punished for it, and the Parliament must justly punish Delinquents that desert it, and seeke for safety and security in the shadow of their Soveraigne in his private capacity, for no law allowes him to protect offenders, kill and plunder, spoile and destroy his Subjects without processe of law (against *Magna Charta* c. 29.) whom he is bound by oath and Office to defend and preserve. It were well the Lawyers that pen the Kings papers would with their Science of the lawes use their Consciencies to comfort and confirme the ignorant with more knowledge, then ignorantly the Divines have done; and seeing they speake so much of known lawes, they would know them better from those that the Kingdome hath alwayes made the best guides, and chiese Judges, so much reproached for their care to curb the contentious, and cause the honest Subjects to bee supported against their violence and wicked proceedings, in all their works by open violation of laws.

The Oath and Office of Judges.

Lawyers have liberty to plead their clyents causes according to their Science and Conscience, and they that are bad abuse both, and for their Fee feare not to say any thing: but Judges are sworne to doe right, and swerve as much as the other to satisfie his humor, who hath given them their honour, and in hope of higher places hazzard heaven it selfe, and see no more then the blind, for bribes and brave places please them more then truth and equity and when the King saies he and they shall interpret the lawes to the Parliament, and they shall passe no other judgement then warranted by them, we may be sure the wise men of our Kingdom shall be made fooles if they follow any such Verdict, as a Royall, but no righteous Edict to rule us all.

The Jury of 12. men conclude every cause and Crime.

Witnesses in the Word of God are counted most worthy of trust for the truth, and our Law with them proceeds further, to finde a Jury to heare the evidence, and the Judge to declare Law upon it, and then they passe the verdict, or finall fate of mens fortunes, and what farre excells them, their very lives, when both now passe without Law against the Parliament, the supreme Judge of all causes kept from it

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by a Civill warre, the wickednesse whereof will presently appeare in adding the
Divine and the King, most coupled in this mystery, and without feare I will forme
them both into such a composition as the world dreames not of ; and the Prince and
Priest shall take no prejudice by inee, except the truth be prejudiciale to them to
heare their errorrs, in the corruption of the purest calling. They are the two prin-
cipall pillars that beare up two bodies, that now lye dead in the street of the great Ci-
ty, Rev. 11.8. *Witnesses* they are called, when they maintaine the truth, and *Beasts*
when they oppose it ; and they are two to two, Rev. 11.3. & 13.11. *Magistrates* and
Ministers are the great mysteries in the matters that now maintaine the warres, and
they rise up one against another, even in the same Kingdome, and the common ca-
lamity is come to our dores, and to open it will be evidence enough why Papists
are become *Protestants*, in *Divine Sermons, Service, and Sacraments*. Our Sermons,
they say, are morall persuasions, and our Religion without all *formall heresie*, or
morall malitie : Our Service is a piece of their *Masse-booke*, and therefore so far
good to heare it, and hope a part will bring in the whole, and *Masse*, and *Mattens*,
with all the marrow-bones, will be like *Ezekiel's boylng pot*, where scumme and filth,
with flesh, shall all boile together, and nothing be purged out of it, till all be con-
sumed in the fire, *Ezek. 24.12.13*. Fire and fury in our Nation is divine, and will
not be done away, till all Romane mixtures be made to passe out of our land, and
we left better then we have been. The Pot must be filled with the choice bones,
and bones must burne under the pot. The scumme is in us, and woe be to us till it
be out, and a thorough Reformation made, which God prosper.

The two Witnesses, and the two Beasts.

As the truth findes friends, so it hath enemies, *Veritas odium patit*, hatred is borne
as a Monster against nature, which is regular, and if errorr be, the birth is unna-
turall, and so it happened in Paradise. God saw every thing he had made to be very good,
Gen. 1.31. The tree of good and evill, *Gen. 2.17*. was not so in being, but in use, and
that was, to know mans maine temptation, though now the love of the creature
tempt him more then the knowledge of the Creatour. The monster appears in
mans apparell, *Gen. 3.7*. and the leaves cover them, whose fruit made them naked ;
and ever since the shels of truth have been the shadowes to hide errorrs, which
makes the Apostle call this *last Apostacie*, *1 Tim. 4.1*. *hypocrisie*, vers. 2. and it is of
such lyers as live nearest Christians, *Rev. 11.2*. as the Court of the Temple is so
neare it, that it containes it, and corrupts it, and nothing but the first measure can
make good truth against it, from the which we have declined ever since the end of
the fourth Century, which followes the *Red Dragon*, *Rev. 12.8*. and appeates in two
Beasts, wherof the one bears his *Crownes*, *Rev. 13.1*. and the other his *Priesthood*, *Rev.*
13.11. The first is an Army of Seculars that fight with the Lamb with ten horns,
Rev. 17.14. and the other of sacred persons, that set upon him with his owne
Hornes, which are two, *Rev. 13.11*. the secular Hornes are seduced, *Rev. 17.13*. or
subdued, *Dan. 7.8.24.25*. The secular Hornes held the sacred Hornes under, till they
were expulsed quite out of Rome, and the servile province thereof to Emperours
and Kings, became the Sovereign Lordship of the Pope, and for whom Princes and
Priests seduced or subdued have made all the stirre, and they that will not stand for
him are withstood with all the subtily and cruelty that wit or wickednesse can
worke by warre, or secret contrivances. No marvell our King protests our pro-
tection without the *Parliament*, nay against it, for so are both the Monsters of Po-

fish braines, which they beleeve not when they have hatched them in hatred of us and our King. The Councell of Basil decreed a generall Synod to be above the Pope, and the reason is from a Senate above the King, and the Reason thus, all States have remedies to right themselves against ruine by a selfe preservation against one man. That all by one should perish is unreasonable, and therefore in kingdome the highest Courts command all, and take care for common safety. These miscreants of mischiefe have since the Councell of Basil made one Bishop above all Synods and Senates, and because the great Senate of England is not under their errors, they create one against both Pope and Councell, and say, certainly the King is supreme, not over all persons, but the very Parliament. A doctrine they never taught before this day: for all Popish Bishops and Barons ever held the King to be under them in Parliament, and God forbid the Bishops removed, the Lords and Commons should doe as they have done, remove the King. But marke these men that are for the King, and what they say in both oaths of Allegiance and Supremacy. They say the oath of supremacy was unlawfull in the dayes of Henry the eighth, the first that found it out, and Bishop Fisher and Sir Thomas Moore dyed Martyrs, because he was of their Religion, and to sweare any man but the Pope head of the Catholike Church is an horrible sinne: but his sonne King Edward was head of another Church of his own making, and to be head of that all good Catholikes may sweare it; but that the King is their head is most hatefull in their Religion. We say the Catholike Church hath no head but Jesus Christ, and that Kings are no heads of it, but of all such persons as professe it in their Dominions, which Papists will not professe, for as Catholikes they have no head but the Pope, and to him they are sworne to defend his Catholike Church against Protestants, and to die as Fisher and Moore died Martyrs, that is; Rebels, for they dyed not for Religion, King Henry still professing their Catholike Faith, but not the Popes supremacy in his kingdome. But now these wise men, like weather-cockes, turning with the times, and seeing the Parliament against them, set the King against it, and above it, that he may do for them to undoe himself and whole Kingdom. And now see the two and ten barones set against Christ, & meditate seriously on the mystery. The most of the Ministers are malignants; for what makes them with the Papists to put the king above his Parliament, and plead conscience to the people, but that they may obey the King against the Parliament, because the king must do all things, and without him nothing can be done, and yet all he can doe is to Bills of new Laws, which is only this, if he grant them le Roy voet, if he wil advise before he grant them he saies le roy ad visera, & good reason the king should be ruled by his own judgment, the judgment of his sworn judges, his Counsellers, both privie and publique, and til he find just cause to grant to suspend his vote, but not by violence compell his counsell to do nothing, because he cannot or will not do this: the parliament is bound by the great trust of the kingdom to do all things to preserve it.

The Conclusion to all Benevolent and Malevolent English men.

Country-men, what is your contention one with another? can you tell the cause of your combate? call to mind your muster'd mistaken truths. First, you speak of known laws, have you any *against, above, beside, or without* the Parliament? If you have, who told you so? Malignants without doubt, and never deny your selves to be such, if you hold such an opinion against the Parliament, for never durst any person declare what was law without the Parliament, and now every man will be a judge, and resume his power to passe sentence upon them he hath elected to be the mouth

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to declare without contradiction the mind and meaning of all just and legall proceedings. Secondly, you make much of the will of the King, and his personall commands and hold them good against both Houses, and that you are bound in conscience rather to obey such Edicts of injustice, then the verdicts of Judges above all Juries, and processes whatsoever. An infallible evidence of error to argue obedience to the will of one man, when many are to be obeyed in the same power. It is not the will of the king that makes any law, and if law be the rule of our wills, the sole will of the king cannot warrant what we doe. The judgement of any Court is more to be obeyed then the pleasure of the king. *Quod principi placet, legis non habet vigorem*, and the position is true, that Kings seduced, may injure the Common-wealth, but the Parliament cannot, because they are most proper Judges of the Kingdome, and the imminent dangers therof. Thirdly, the right of the Subject as it is in himselfe by inherence or inheritance is not known or held against the Parliament. His person is free, fortunes firme, and what he hath he may hold, but not by his own will, the trust is out of his own hands, and for common good nothing may be kept to our owne use, required from us by them we have trusted. The King and kingdome hath committed all to the two Houses, and if they were not worthy, we should never have bin so rash as to have left such a power in them by whom we may perish. We may perish by the King, but the people never perished by the Parliament. Many are transported against both Houses to hate their proceedings, that so great trust by the Act of Continuance is committed unto them, and such confidence reposed in them, that the King hath left his Royall prerogative in their hands, not to dissolve the Parliament till they please, and make his grant so great ingratitude in them, that they wold have all men grieve with the King that he hath lost his wonted power to dissolve at pleasure that body he hath convented to correct the whole Kingdome, such are the words of Malignants to make them odious, as if they had circumvented the King, and drawne him into a snare, promising to make him great, rich and honourable, and doing the contrary. The scandalls cast upon the Parliament are such slanders as may be wiped off from them with ease, if men were as earnest to understand as they are to argue. His Majestie had reason to call and continue his Parliament to pacifie his people in Scotland, pay them for their wrongs, and support such publique charges both by Sea and Land; and that in all his Kingdomes as is almost incredible. The causes may be knowne by all. Scotland was provoked by our Bishops to receive their Discipline by compulsion. Ireland is in Rebellion to raise up Popery with the perdition of all the people that are Protestants. A Popish Army is raised in England; the Parliament deserted, Delinquents protected, the People destroyed, Malignants suffered to muster forces to fall upon the quiet People, drive them from their possessions, purloine as they have, wast their habitations, and cause the two Houses to be loaden with all the cares of the Kingdom, and yet these cry out, *how much have they promised his Majestie, and how little doe they performe. They tell the King they can doe him no wrong, because he is not capable to doe it or receive it. That they take nothing from him, because he had never any thing of his owne, &c.*

It were endlesse to heare the blated of these horrible Malignants, that are sorry the King hath so little to give them, and therefore they say all is his, and make his authority sufficient to take away every mans estate, which to sue out of their hands, the two Houses can handle nothing of any other concernment, then to prevent imminent dangers, as fast as their enemies create them, and if the safety of the People

the safety of the Prince, and their riches and plenty the way to make him rich and honourable, they can effect nothing for him before their good and ex-
cuse bee procured. His Majestie makes the interpretation of the Statute of
25. Edw. 3. to provide for the meanest Subject in the Kingdome above the King,
and why? Because they are for Treason that destroyes the Kingdome, and say no-
thing of the King. I hope the King is safe in that Subject, and am sure out of it
he hath no safety, and as the case now stands, the Kingdome is in danger by an Ar-
my with him, which to preserve the Kingdome no man can see it, and truely how
it should preserve the King in a riddle too, whom they have exposed to ruine with
themselves not by the Kingdome, but the preservation of it out of their hands, which
if they prevale, they may promise the person security, but the King can have none,
if his Kingdome perish. Take all, and wonder at the Wisedome of them that seeke
to make us all Fooles.

First knowne Lawes against the Parliament. Secondly, the will of the King against
the Parliament. Thirdly, the Liberty of the Subjects against the Parliament. Fourthly,
their property in their goods against the Parliament. Fifthly, their power against
the Parliament. Sixthly, their Commission of Array against the Parliament. Seventhly,
their Army against the Parliament. Eightly, the exaction of the Peoples goods
against the Parliament. Ninthly, the arming of Papists against the Par-
liament. Tenthly, the personall Commands of the King against the Parliament;
and all because the King will not joyne with them from whom he cannot bee dis-
joyned, or doe any thing without them, and if they aske whether they can doe any
thing without him? I answer all things but the making of new Lawes. They may
declare Lawes without him, as a Court having his Authority, and the Authority
of the whole Kingdome. *Le Roy voet*, and *Le Roy ad visera* are onely personally re-
quired in new grants, but what is granted they may execute, as to declare doubts
of Lawes, redresse injuries, punish offenders, cancell the Kings grants; provide for
imminent dangers, and by Ordinances command such obedience as may secure
the Kingdome, and the fallacy the Parliament can make no new Lawes without the
King, therefore they can doe nothing, is from one particular to conclude a gene-
rall, not this therefore nothing, as if this were all, when many things may be done
that require neither *Le Roy voet*, or *Le Roy ad visera*, for if the King may grant or de-
cline, and so to deale, determine all, he may dally and delay judgement, as he pleas-
eth, which God forbid.

FINIS.

